

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JASON LEE SPORTSMAN,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

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No. 4:22-CV-01198-RHH

MEMORANDUM AND ORDER

This case is before the Court on Commissioner Kilolo Kijakazi's ("the Commissioner's") Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (ECF No. 21.) Plaintiff has no objection to the Commissioner's motion. (ECF No. 22.) The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 11.)

On November 10, 2022, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (ECF No. 1.) The Commissioner filed the transcript of the administrative proceedings on February 2, 2023. (ECF No. 9.) Plaintiff filed his brief in support of the Complaint on June 12, 2023. (ECF No. 20.)

On July 10, 2023, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The Commissioner represents in the motion that upon

review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff's claim. The Commissioner states that "[o]n remand, the agency will take further action to complete the administrative record, re-assess Plaintiff's residual functional capacity, and issue a new decision." (ECF No. 21.)

Upon review of Plaintiff's Complaint, the ALJ's decision, and the Commissioner's motion, the Court agrees that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner's Motion to Reverse and Remand (ECF No. 21) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.

Dated this 13th day of July, 2023.



RODNEY H. HOLMES
UNITED STATES MAGISTRATE JUDGE